

Application No. 09/918,855

Docket No. 22-0097

REMARKS

Claims 1-24 were originally submitted for examination. In the aforementioned Office action, claims 1-24 were rejected as allegedly unpatentable over cited art and claim 9 was objected to. In particular, claims 1, 7-9, 11, 13-14, 17-19 and 21 were rejected under 35 U.S.C. §102(e) as allegedly unpatentable over Perahia et al. (US 6,320,850), and the remaining claims 2-6, 10, 12, 15-16, 20 and 22-24 were rejected as allegedly unpatentable under 35 U.S.C. 103(a), also over Perahia et al.

By this amendment, the claims rejected under 35 U.S.C. §102(e) have been cancelled or combined with other claims. The claims rejected under 35 U.S.C. §103(a) are believed to be allowable under 35 U.S.C. §103(c)(1), which in essence states that subject matter that qualifies as prior art under 35 U.S.C. §102(e) shall not preclude patentability under 35 U.S.C. §103 where the cited subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. As noted in the accompanying Statement Concerning Common Ownership, the cited Perahia et al. patent was, and still is, commonly owned with the present invention and application. Accordingly, the rejections of claims 2-6, 10, 12, 15-16, 20 and 22-24 under 35 U.S.C. §103 are believed to be without basis in view of 35 U.S.C. §103(c)(1), and their reconsideration and withdrawal are respectfully requested.

In summary, the claims have been amended as follows:

- Claim 1 has been cancelled and its subject matter combined with claim 3, and claim 2 has been amended to depend from claim 3.
- Claims 4 and 5 have been rewritten in independent form.

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- Claims 7 and 8 have been amended to depend from claim 6 instead of claim 1.
- Claim 9 has been cancelled.
- Claim 10 has been rewritten in independent form.
- Claims 11, 13 and 14 have been cancelled..
- Claim 16 has been rewritten in independent form.
- Claims 17-19 have been amended to depend from claim 16.
- Claim 21 has been cancelled.
- Claim 22 has been rewritten in independent form.
- Claims 23 and 24 have been amended to depend from claim 22.

Accordingly, eighteen claims remain in the application (claims 2-8, 10, 12, 15-20 and 22-24). Formal notification of allowance of these claims is respectfully requested.

Respectfully submitted,

Date: June 27, 2005

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